

REMARKS

Applicant expresses appreciation to the Examiner for participating in the Interview. During the Interview, the pending claims, specification, the Rebsdorf reference (primary reference) and the Roberts reference (secondary reference) were discussed. It was discussed that the primary reference determines strain using strain gauges. It was also discussed that the primary reference does not determine blade flexing and/or loading by using triangulation to determine the exact location of position indicators on the blade, and applying that information against data representing the expected location of the position indicators. It was also discussed that the secondary reference teaches the use of GPS to determine the location of an entire rotorcraft, but that the combination of these references does not teach how to use GPS to determine blade flexing and/or loading.

Based on the above noted differences, Claim 1, directed to a method, has been amended to recite the use of triangulation to determine the exact location of the position indicators on the blade so as to determine the blade flexing and/or loading. Applicant notes that during the Interview, it was discussed that amending Claim 1 this way would overcome the rejection. Accordingly, it is respectfully submitted that Claims 1-6 are patentable over the cited art.

Claim 7, directed to a system, has been amended to include a triangulating positioning system as well as the use of triangulation to determine the exact location of the position indicators so as to determine the blade flexing and/or loading. Applicant respectfully asserts that such amendments to Claim 7 overcome the rejection as well, because the references do not teach using such a triangulating positioning system to determine blade flexing and/or loading. Accordingly, it is respectfully submitted that Claims 7-9 are also patentable over the cited art.

Moreover, Applicant respectfully asserts that the recitation of the triangulating positioning system in Claim 10 overcomes the rejection as well. This is because the references, separately or in combination, do not teach, explicitly or inherently, determining blade flexing and/or loading using triangulation, and the recitation of the triangulating positioning system sets definite boundaries on the patent protection sought. See, *In re Barr*, 444 F.2d 588, 170 USPQ 33 (CCPA 1971) (functional language is perfectly acceptable when it sets definite boundaries on the patent protection sought); *In re Venezia*, 530 F.2d 956, 189 USPQ 149 (CCPA 1976) (functional language is acceptable when it serves to precisely define the claimed attributes); compare, *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997) (functional language may not render an invention patentable over prior art when the limitations at issue are found to be inherent in the prior art). Accordingly, it is respectfully asserted that Claims 10-11 are patentable over the cited art as well.

In addition, Claims 12-14 recite that rotational speed is determined from the operational data. It is respectfully submitted that strain gauge data cannot be used to determine rotational speed, so that these claims are also patentable over the cited art.

In view of the above, Applicant respectfully asserts that the application as amended herein is in condition for allowance.

Respectfully submitted,

/Gerald Levy Reg. No. 24419/

Gerald Levy
Registration No. 24,419

T. David Bomzer
Registration No. 48,770

Attorneys for Applicants

Day Pitney LLP
7 Times Square
New York, New York 10036-7311
(212) 297-5800